

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/038,947
Applicant : William R. Freund, Jr.
Filed : January 3, 2002
For : Peak Switch Detector For Transit Time Ultrasonic Meters
TC/A.U. : 2863
Examiner : Tung S. Lau

Confirmation No. 2139

Customer No.: 23505
Atty. Dkt. No.: 1787-12700
Date: December 16, 2003

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**AMENDMENT AND
RESPONSE TO OFFICE ACTION DATED SEPTEMBER 16, 2003**

Sir:

In an Office Action dated September 16, 2003, the Examiner rejected claims 10-12, 14, 17, and 19-23, allowed claims 1-9 and objected to claims 13, 15, 16, and 18. The Applicants respectfully request reconsideration. Please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 20 of this paper.

12/24/2003 SDENB0B1 00000038 032769 10038947

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/038,947
		Filing Date	01/03/02
		First Named Inventor	William R. Freund, Jr.
		Art Unit	2863
		Examiner Name	Tung S. Lau
Total Number of Pages in This Submission	26	Attorney Docket Number	1787-12700

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Or Individual Name	Jonathan Pierce CONLEY ROSE, P.C.
Signature	
Date	December 16, 2003

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or Printed Name	Nanci D. Mohr		
Signature		Date	December 16, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

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FEE TRANSMITTAL For FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT **\$ 54.00**

Complete if Known	
Application Number	10/038,947
Filing Date	01/03/02
First Named Inventor	William R. Freund
Examiner Name	Tung S. Lau
Art Unit	2863
Attorney Docket No.	1787-12700

METHOD OF PAYMENT (Check all that apply)

Check Credit Card Money Other None Order

Deposit Account:

Deposit Account Number: 03-2769
Deposit Account Name: Conley Rose, P.C.

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account
 Credit any overpayments

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Fee Fee Description	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath		\$
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet		\$
1053 130	1053 130	Non-English specification		\$
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination		\$
18042 920*	1804 920*	Requesting publication of SIR prior to Examiner action		\$
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action		\$
1251 110	2251 55	Extension for reply within first month		\$
1252 420	2252 210	Extension for reply within second month		\$
1253 950	2253 475	Extension for reply within third month		\$
1254 1,480	2254 740	Extension for reply within fourth month		\$
1255 2,010	2255 1,005	Extension for reply within fifth month		\$
1401 330	2401 165	Notice of Appeal		\$
1402 330	2402 165	Filing a brief in support of an appeal		\$
1403 280	2403 140	Request for oral hearing		\$
1451 1,510	1452 1,510	Petition to institute a public use proceeding		\$
1452 110	2452 55	Petition to revive - unavoidable		\$
1453 1,330	2453 665	Petition to revive - unintentional		\$
1501 1,330	2501 665	Utility issue fee (or reissue)		\$
1502 480	2502 240	Design issue fee		\$
1503 640	2503 320	Plant issue fee		\$
1460 130	1460 130	Petitions to the Commissioner		\$
1807 50	1806 50	Processing fee under 37 CFR 1.17(g)		\$
123 50	123 50	Petitions related to provisional applications		\$
1806 180	1806 180	Submission of Information Disclosure Stmt		\$
8021 40	8021 40	Recording each patent assignment per property (times number of properties)		\$
1809 770	2809 385	Filing a submission after final rejection (37 CFR § 1.129(a))		\$
1810 770	2810 385	For each additional invention to be examined (37 CFR § 1.129(b))		\$
1801 770	2801 385	Request for Continued Examination (RCE)		\$
1802 900	1802 900	Request for expedited examination of a design application		\$

Other fee (specify)

*Reduced by Basic Filing Fee Paid **SUBTOTAL (3) \$**

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	\$
1002 340	2002 170	Design filing fee	\$
1003 530	2003 265	Plant filing fee	\$
1004 770	2004 385	Reissue filing fee	\$
1005 160	2005 80	Provisional filing fee	\$

SUBTOTAL (1) \$

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Fee from Extra Claims below				Fee Paid
Total Claims 26	23	= * 3 x	18.00	= \$54.00
Independent 4	4	= * 0 x	86.00	= \$
Claims				
Multiple Dependent			290.00	= \$ 0.00

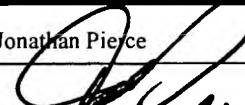
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent Claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$54.00

** or number previously paid, if greater; For Reissues, see above

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Jonathan Pierce	Registration No. (Attorney/Agent)	42,073	Telephone	(713) 238-8000
Signature				Date	December 16, 2003

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